GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands - Krishna District - Regularization of (72) encroachments in R.S. No.80 of Payakapuram Village, Vijayawada Urban Mandal (popularly known as Burma Colony) on payment of Rs.350/- per square yard to the occupants purchased the structures from the allottees in contravention to the patta condition i.e. not to sale the houses before expiry of (10) years - Orders - Issued.

Revenue (Assignments.III) Department

G.O.MS.No. 372 **Dated: 17-08-2017**

Read the following:-

(1) Government Memo. No.41751/Assn.II(2)/2011-3, Revenue (Assn.II) Department, dated 30.05.2012.
(2) Government Memo. No.28825/Assn.III(1)/2013-1, Revenue (Assn.III) Department, dated 27.01.2015.
(3) From the District Collector, Krishna File No. REV-ESECOLAS (OA) / 12 / 2015 - JA(ES)-KCO, (Old File No. E5/2662/2011) dated 10.11.2016.
(4) From the Special CS and CCLA, AP Letter No.Assn.I(1)/1000/2016, dated 7.12.2016.
(5) From the Commissioner, Vijayawada Municipal Corporation DO Letter No. Rc.-G1-131212/2016, dated 29.05.2017.

-:o:-

ORDER :

In the letter 3rd read above, the District Collector, Krishna has stated that the Vijayawada Municipal Corporation Authorities has acquired an extent of Ac.5.36 cents of land in RS No. 80 of Payakapuram Village for rehabilitation of Burma Repatriates vide Award No.14/1979, dated 17.12.1979. The VGTM UDA have constructed a Housing Colony with the financial assistance by the Central Government. Altogether there are 33 Blocks; each Block consisting of (4) houses total 132 dwelling units. Possession was handed over to 132 families of Burma Repatriates by issuing allotment orders after obtaining bonds from each family. As per the allotment orders, the houses were allotted to the Burma repatriates on payment of Rs.6,000/- with a nominal interest towards building construction expenditure which has to be paid in monthly instalments within 10 years. As per the instructions issued in Government Memo. No.18474/Reh.II/A1/88-17, Revenue (Ser.II) Department, dated 03.04.1989, 'D' Form pattas were issued to (132) Burma Repatriates. As per the condition No.9 specified in 'D' Form patta, the beneficiary cannot alienate, mortgage, gift the land within (10) years without prior permission of the concerned RDO. As per this condition, the beneficiary has right to sell his house after (10) years without any permission. Further, Government in Memo. No.41751/Assn.II(2)/ 2011-3, dated 30.05.2012 issued orders according permission to the District Collector Krishna to regularize (132) allottees of Burma Repatriates i.e. 41 original allottees still in possession and 91 purchases who are in possession, subject to verification from the sale agreements of the allottees that they have alienated the property after expiry of (10) years period i.e., 2002 as a special case. The District Collector in his letter dated 25.4.2013 has stated that out of 91 purchasers only (5) persons are found eligible as they have purchased the land after the year 2002. Government in Memo. No. 28825/Assn.III(1)/2013-1, dated 27.01.2015 have issued orders for regularization of the remaining (86) [91-5] cases (purchases) of Burma Colony who are in possession in relaxation of Government Memo. dated 27.1.2015 as they have purchased the land before 2002 (prior to completion of 10 years stipulated period) as a special case.

2. The basic values applicable as per the documents produced by the occupants and present basic values of the schedule land is Rs.8,000/- as per the norms in G.O. Ms. No. 118, dated 30.03.2016. But in the case of 48 occupations which were regularized earlier in the schedule land as per norms of G.O. Ms. No. 166, the land value was fixed by taking the basic value of the land as 31.12.2003 is Rs.350/- per Square Yard.

3. In the letter 4th read above, the Special Chief Secretary & CCLA has stated that G.O. Ms. No. 166, dated 16.2.2008 shall no longer be implemented, in view of the orders

issued by the Hon'ble High Court in PIL No.517/2013 dated 10.9.2015 and therefore he has requested the Government to issue orders as a special case in the matter.

4. In the letter 5th read above, the Commissioner-Vijayawada Municipal Corporation has stated that the colony was formed 30 years ago and already 47 plots have been regularized. Hence, he has requested the Government to examine the case and issue necessary orders in the matter of regularization of plots in the layout on the lines of G.O. Ms. No. 301, Revenue Department dated 05.07.2016 i.e. by issue of a separate G.O as the original purpose of the colony is for rehabilitation and also since regularization under G.O. Ms. No. 166, which is meant for regularizing encroachments has already taken place in the colony and if a Government order on the lines of G.O. Ms. No. 301, can be issued, the remaining encroachments also can be regularized thus solving a long pending issue.

5. As per Government Memo.No.41751/Assn.II(2)/2011-3 dated 30.05.2012, 48 cases were regularized to the third parties, as the allottees have sold away these 48 cases to the third parties after passing of 10 years period. Subsequently, Government vide Memo. No. 28825/Assn.III(1)/2013-1, dated 27.01.2015 have accorded permission to regularize the third party occupants in remaining cases duly relaxing the (10) years condition to sell away the land. But, regularization was not completed due to non-applicability of earlier G.O., no other G.O. is applicable to the proposed regularization cases. Keeping in view the facts and circumstances of the case, Government take a decision to regularize the remaining cases so as to meet the ends of justice.

6. Government after careful examination of the matter and having regard to the facts and circumstances of the case hereby order for regularization of (72) encroachments in R.S. No.80 of Payakapuram Village, Vijayawada Urban Mandal (popularly known as Burma Colony) on payment @ Rs.350/- per Square Yard as the original purpose of the colony is for rehabilitation and also since regularization under G.O. Ms. No. 166, which is meant for regularizing encroachments has already taken place in the colony.

7. The Special Chief Secretary & Chief Commissioner of Land Administration, AP, the District Collector, Krishna and the Commissioner, Vijayawada Municipal Corporation shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Special Chief Secretary and
CCLA, AP Gollapudi, Vijayawada.
The District Collector, Krishna
The Commissioner, Municipal Corporation, Vijayawada.
Copy to:
The GA (Cabinet) Department
[w.r.t. CR No.258/2017]
The PS to Special CS to CM
The OSD to Dy.CM (Rev.)
The PS to Special CS (Rev)
SF / SC

/ Forwarded :: By Order /

SECTION OFFICER